

3/19/80 appeal  
SEE Chern for  
other  
filings

The recent publication of the book by the late William C. Sullivan, The Bureau: My 30 years in Hoover's FBI, together with the serialization of it and excerpting in mass publications, raises many and serious questions of which some are quite pertinent to appeals from withholdings by the FBI in my King and Kennedy assassination cases and requests <sup>NOW</sup> being litigated.

While I am confident that the national security and other disclosures, unprecedented for so high an FBI official, cause concern within the Department and should cause concerns with regard to FOIA withholdings and appeals, there are specifics that may not have attracted your attention and considerations that may ~~not~~ not have suggested themselves because of the nature of the actual national security disclosures.

That nothing was done to deter these disclosures appears to be exceptional. ~~That Sullivan~~ was writing a book was well known. But no effort was made to discourage or prevent the disclosures. There was plenty of time. There was ample precedent.

That the disclosures provided little or no new information to foreign intelligence <sup>services</sup> ~~is~~ immaterial because this is true of virtually all withholdings for which a national security claim is made. These withholdings are to deny information to the American people, not to avoid informing foreign intelligence agencies. A careful reading of his book makes this apparent, particularly where he refers to their knowledge and sources and methods, <sup>many</sup> ~~few~~ of which are authentic secrets in any event.

The Russians and others knew that the FBI was intercepting <sup>official</sup> ~~their~~ mail, was <sup>Dugging them, was</sup> tapping their phones and was <sup>negating</sup> in burglarizing embassies, according to Sullivan. (He discloses even where the agents were trained for these burglaries and how they <sup>burglaries</sup> were executed.)

They, <sup>Russians</sup> ~~the~~ Czechs, Poles and Yugoslavs knew that the FBI was doubling their agents.

And if the Russians didn't tumble to the FBI's knowledge of their "mole" in the New York FBI Division, Sullivan told them two years or more before the book appeared,

As Edward J. Epstein also did in his FBI-assisted book.

(~~Reminder~~ the FBI has not provided any information in response to and you have not acted on my appeal from the denial of information provided to Epstein. This, rather these failures, are counter to your decision that I would be provided with copies of all information pertaining to the JFK assassination that is provided to others. Most of the information here pertains to Yuri Nosenko.)

Sullivan's book is ~~consistent~~ consistent with FBI practise since the 1974 amending of FOIA, to blame all evils on the dead J. Edgar Hoover, along with a few minor mia culpas. Sullivan also, exposes those close to Hoover, those also no longer in the FBI. He has an entire chapter on the FBI's propaganda activities, which he characterizes exactly as I have. He has an entire chapter on "Flacking for the Bureau." It is part of an extensive description of the DeLoach/Crime Records operation pertaining to which my requests and appeals in the King case have not been acted on. The ~~topic~~<sup>topic</sup> sentence of this paragraph could have come from my allegations: "The FBI's main thrust was not investigations but public relations and propaganda to glorify Hoover." (80) Failure to consider this as at least a possibility emasculates appeals consideration.

Leaking was a major tactic in this. There was no such thing as unofficial leaking. It was merely contrived to look that way. Sullivan confirms this, particularly with regard to leaking related to the JFK assassination investigation. In a letter to Hoover that is pointed on the FBI's leaking, under the heading of "Leaks of Sensitive Material" he concludes with, "And so it was year after year right up to our leaking the investigation on the killing of President John F. Kennedy and thereafter to the present." (276)

With regard to the King assassination and to Dr. King personally, in 1971 I published the fact of and some of the content of the FBI's leaking. No FBI record I have seen disputes this - even refers to it - which is quite unusual if there was full disclosure under my King and Privacy Act requests. Sullivan confirms this FBI leaking of derogatory information. He identifies some of those through whom DeLoach arranged it:

"...Hoover wanted King 'exposed,' and instructed us that all derogatory information about him be used to inform King's important financial backers, key field workers, influential churchmen, and community leaders. Hoover insisted that speeches be prepared for Congressmen about King's activities. He also kept agents busy preparing information about King for the press, particularly to block him from getting honorary degrees by spreading this information to various institutions,"

One of the items of my King assassination requests is for information provided to other writers. I included Jeremiah O'Leary because I knew the FBI favored and leaked to the Star, to O'Leary at the Star and to him in an operation that turned this case around, that controlled it precisely as Sullivan says the FBI did these things. This was a Readers Digest article. After the JFK general releases O'Leary confirmed that he got his information for that article from the FBI.

(Sullivan does not mention O'Leary by name. He makes several references to the Star but only one is indexed. The reference to page 93 is not indexed. It reflects the FBI's certainty that its press contacts would do its bidding and the widespread use of a single item.

(Joseph L. Rauh, Jr., had criticized the FBI for less than vigorous civil rights enforcement. "Faced with a real crisis, Hoover turned to his public relations to cover it up instead of trying to solve it. A Crime Records memo to Hoover dated 25 August 1963 stated: 'Pursuant to Mr. Tolson's instructions, we are making immediate contact with Miriam Ottenberg of the Washington Star so that Rauh's charges can be answered in the press at the earliest possible time. We will prevail on her to get an article out if at all possible this weekend. Previously approved material is being furnished to her . . . We should also utilize other sources.'" The next day's Crime Records memo reports that Ms. Ottenberg was already crackin' and that "additionally we have sent material today to a number of columnists." Eight, stated not to be all, are then named. All are of the right, some of the extreme of the extreme.

(Sullivan expressed contempt for the large stable of those who accepted FBI leaks (84): "...scores of Washington based reporters printed stories we gave them, and they too, and they usually printed them under their own bylines. Some of them lived off us.

It was an easy way to make a living. They were our press prostitutes." At this point he also reports that "We also planted stories critical of...the CIA' and 'Hoover's Congressional critics.'"")

Control, as Sullivan confirms, is the name of the FBI game. This extends to what it does not disclose in FOIA cases. One of the means of control is leaks. I use the present tense because they continue. There are records, they are not kept in the main files, and when searches are restricted to main files these records are avoided, denied under FOIA. As many records I have examined state, the FBI depends on those to whom it leaks not to identify their source.

Sullivan's book discloses much that the FBI claims it must withhold to keep secret, ranging from "national security" claims that have no basis to genuine ones to the cooperation of other police, foreign and domestic. Although it was known that we tapped their phones and intercepted their mail, it is different when the former FBI # 3 man says it, as he does. Moreover, some of this came out in published Congressional investigations. There was one on the FBI's mail interceptions. Sullivan quotes Hoover as telling Helms at a large meeting, "We're not going to open Soviet mail anyone." (214) In his chapter titled "Espionage," which discloses much and parts of which attained considerable newspaper and electronic news attention, Sullivan states, "The Russians ~~was~~ professionally and correctly assumed that their telephone was tapped." (169)

There are continued withholdings based on FBI current claims that such methods and practices are still secret. This extends to domestic groups the FBI believes ~~are~~ are "red" connected. In addition to withholdings connected with the Russian interceptions there are others pertaining to the Communist party and the defunct Daily Worker and Fair Play for Cuba Committee, despite the fact that the FBI itself has made the information and its sources public domain.

You may recall that I disputed the definitiveness of any search limited to the index of electronic surveillance. That the FBI engaged in such surveillances without authorization has been public knowledge for years. Sullivan confirms this in his chapter, "The Seventeen Wiretaps" (218): "...getting approval from Washington seemed

like an unnecessary legal technicality. Years later the FBI was still listening in to other people's conversations without the authorization of the attorney general, but now it was because we were afraid that the knowledge of some of our programs could prove publicly embarrassing."

Another area of unjustified "national security" claim to withhold what was public domain is foreign operations, including cooperation of foreign police. Of course where the FBI operated legally the matter was public through Congressional records, hearings, appropriations, etc. The "legal attaches" are all duly accredited to the countries of their assignment and I believe were identified in the various diplomatic lists. These assignments, including the names that have been withheld, were published in the newspapers. Sullivan makes more public.

"Just as Roosevelt had put us in the intelligence business, Truman also got us out of it. With his usual vision, Hoover had the entire world staked out as fair game for the FBI, and had opened offices in a great many foreign capitals. These foreign liaison offices..."(39)

"Truman did allow us to keep a few offices open (London, Paris, Rome, Ottawa, and Mexico City) but the agents who worked at those offices were instructed to handle only the international aspects of domestic cases - not to be 'operational' in obtaining foreign intelligence, and not to run informants." (40)

Sullivan says he then was in charge of intelligence operations in Mexico and Central America and then when ordered to close down Hoover was so furious he directed that nothing be turned over <sup>to</sup> the CIA. He says many agents were not "intimidated" and "did turn records over to the CIA. And although we were mandated not to, Hoover nevertheless instructed the Mexico City office to be operational, to run informants, to develop foreign intelligence, to operate completely in violation of our charter."(40)

That the FBI was operational overseas and did run informants is also disclosed in records provided to me in FOIA cases, despite which the same FBI withholds information pertaining to both this and its known, above-board activities, pretending even that its

legislated activities are secret.

With regard to FBI operations in Mexico pertaining to the JFK investigation, a matter about which the CIA made much public prior to withholdings from me by the FBI, Sullivan writes, "...Our Mexican office played an important part in the investigation. We also had agents in Canada, Central America, England and Italy tracking down leads." But, and this is a more reasonable explanation of the continued withholdings, "there were <sup>u</sup>high gaps we never did close..."(51)

That President Johnson ordered "the FBI to join the fight against the Red Menace" in the Dominican Republic after he sent the Marines in and that the FBI was also then operational there is on page 70, the chapter "LBJ's Tool."

The FBI has even sworn, with an affidavit in support from you (C.A. 78-0249) that it had to keep the initials of the RCMP secret in the interest of "national security." Obviously, that the FBI and RCMP had a liaison relationship has always been public, was public pertaining to both King and JFK cases, and was even published by the Warren Commission. In 1967 I published to then unpublished records provided to the FBI by the RCMP and disclosed by the FBI. Sullivan gives a reason for the FBI's continued withholdings in the King case:

"As a matter of course, I had asked the Royal Canadian Mounted Police to help us find Ray, One night in early June, two months after King was shot, I got a call at home at eleven at night from Bill Kelly, deputy commissioner of the RCMP and a close friend. 'I think we've solved your case,' he said. The RCMP had painstakingly gone through 250,000 passport applications, checking pictures and handwriting until they came up with Ray's alias. It worked, they traced him for us from Canada to Portugal (where he had been living with prostitutes) to England. He had tried to rob a bank in England to get some money, but naturally he bungled the job. We asked the British to move in and pick him up, which they did.(145)I told Hoover that we should give the credit for Ray's capture to the RCMP. Hoover said no and the FBI falsely got the credit."

(Parenthetically, one of the continuing King case withholdings deals with an official of the RCMP holding a press conference on it. The FBI continues to withhold even the name of this ranking RCMP official, whose name is ~~something~~ anything but secret and could not have been secret at an official press conference.)

In his "Espionage" chapter Sullivan also discloses FBI-Australian cooperation dating back to the late 1940s. (185-6)

FBI operations in Israel, again in a context suggesting that the real basis for these withholdings is not based on the Act, is in the chapter "The Nixon Years."

6

"By the time I left the FBI on October 1971, Hoover's foreign offices were costing the American public three and a half million dollars a year, and we were getting practically nothing for our money. We were making a lot of people angry, though. Our men overseas were under instructions from Hoover to send everything straight to him, without clearing it first with the Ambassador, the CIA, or the State Department. Two of our men in Israel sent in some incorrect information, and when Hoover unwittingly sent it on to Kissinger and Nixon, the people at the State Department hit the ceiling. A real flap developed, and Nixon finally had to tell Hoover - it couldn't have been easy - that our agents had to clear their reports through the ambassador and the CIA before sending them to the United States. That really cramped Hoover's style. He liked to go around ambassadors, the CIA, military intelligence, and everyone who stood between the director and the president." (200-1)

The only questions relating to foreign police, cooperation with them and withholdings <sup>that are</sup> not included in the foregoing pertain to information already used and made public by the FBI, as, for example, used by the government in the Ray prosecution, narrated at the guilty plea hearing and, of course, also leaked by the FBI. I am aware that after refusing to do it under the conditions I proposed, which would have provided a check on the honesty of the request, the FBI did write to foreign police agencies and in at least one case got the built-in response. However, you should be aware that in fact, when it served the FBI's political interests, <sup>it</sup> ~~it~~ did provide me with xeroxes of records provided by these foreign police agencies. You can find xeroxes of what was provided by the RCMP and Scotland Yard in the FBI reading room, in both cases, despite its contrary representations, including under oath and supported under oath by you.

HSCA also used and published facsimiles of records from foreign police, obtained from the FBI.

Sullivan goes into the relations between the FBI and local police, especially in the chapter "Odd Man In." It provides motive for FBI withholding of information it obtained from local police: "the police were way ahead of us." (117) (Although the FBI withholds records from local police, where it served FBI political purpose and on other occasions the FBI provided me with hundreds of pages of xeroxes of the records of local police in the King case. I obtained even more in the JFK case.)

Sullivan also confirms what I have stated with regard to filing for non-retrieval by normal means and for hiding politically sensitive records. An example is surveillance of the calls made by candidate Spiro Agnew for LBJ. When DeLoach grew worried that this would get out "he recommended to Hoover that the file concerning these taps be maintained in the Special File Room . . . afforded strictly limited handling" (78)

Quite some time ago I informed you of information I had received indicating that Hoover had and left behind many more file cabinets than the approximately 30 testified to before the Congress. Sullivan states that Hoover's personal files "filled four rooms on the fifth floor of headquarters." (50)

It thus appears that my requests for searches of the Special File Room and of what was not destroyed of Hoover's files have not been made and that these do exist.

Sullivan also supports my appeal having to do with records kept out of central records and in the divisions. Pertaining to the Kissinger wiretaps, in his chapter "The Seventeen ~~Wiretaps~~ Wiretaps" (220) Sullivan states, "Hoover instructed me to keep this material out of FBI files. This was not unusual, to my knowledge, particularly sensitive material had been kept out of the files since the 1940s." He repeats (226) that he kept the paperwork "in a file in my office."

After long delay the FBI informed me that it had located records on Thomas A. Tarrents III but demanded that I pay for them. My interest is historical, he was a King case suspect, and the FBI has not responded to my request for reconsideration. That the information pertaining to this young man was, as I had alleged, public, is indicated by Sullivan on page 128. The MURKIN records identify him as a suspect and contain the requests of the Department for information on him as a suspect. (This is part of the matter you may recall from my inability to recall the name of Kathy Ainsworth's "crazy mother." Kathy was the killed associate in the crime Sullivan refers to.)

You should recall my requests, appeals and litigation about the scientific testing relating to the shooting attributed to Oswald, a matter still not concluded, with appeals not responded to. Sullivan records his doubts about Oswald's shooting capabilities



(51-2) based not only on his FBI experience but on his experience as a hunter. I note this as suggesting motive for continued withholding.

JFK case records pertaining to the disciplining of SAs have not been disclosed despite the fact that some is public from the time, more during the HSCA hearings and testimony of the then Inspector General, James Gale. Sullivan appears to confirm my own belief, that these actions were unfair. He is explicit in stating (52) that in them Hoover's purpose was "to protect himself."

My appeals deal extensively with Oswald in Mexico and the FBI's inadequate and incomplete investigation of it and its improper withholdings, including on unjustified "national security" claims. Sullivan supports my allegation that the FBI was actually seeking to protect itself from its failure. He states (51) "there were huge gaps in the case, gaps we never did close."

There are withholdings pertaining to the ~~Lab.~~ Sullivan indicates motive for these withholdings by indicating its incompetence. (97)

You may recall my appeal from the withholding of the record pertaining to Gerald Ford that was provided to another, a record Hoover annotated by referring to Ford as a "toad," an historically important record. Sullivan refers to another such record I do not recall reading in all those I've read. (53). He writes that "Hoover was delighted when Gerald Ford was named to the Warren Commission. The Director wrote in one of his internal memos that the bureau could expect Ford to 'look after FBI interests,' and he did, keeping us fully advised of what was going on behind closed doors. He was our man, our informant, on the Warren Commission." The Hoover internal memo is one I do not recall seeing. The general description exceeds the information included in the JFK general releases. Perhaps a search of the Ford file is required. DeLoach handled Ford.

*Handled*